

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, September 11, 2013
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

10:00 A.M.

1. [12-19215](#)-B-7 FRANK FARIA MOTION TO APPROVE COMPROMISE
LRP-2 8-14-13 [[52](#)]
ROBERT HAWKINS/MV
HAGOP BEDOYAN/Atty. for dbt.
CRAIG FRY/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2. [12-17425](#)-B-7 BETTINA VILLANUEVA MOTION TO AVOID LIEN OF BRETT
MBB-1 TAYLOR
BETTINA VILLANUEVA/MV 8-20-13 [[39](#)]
BETTINA VILLANUEVA/Atty. for mv.

The motion will be denied without prejudice. No appearance is necessary. The moving papers were not served on the respondents who must be served pursuant to FRBP 7004. In addition, the motion was not supported by admissible evidence, including a copy of the judicial lien to be avoided. Also, the caption of the motion is addressed to Brett Taylor. The body of the motion and the notice of hearing refer to a lien recorded by Nation Star Capital Acquisitions. Finally, the proof of service fails to comply with Local Rule 9014-1(e) (3).

3. [12-17425](#)-B-7 BETTINA VILLANUEVA MOTION TO AVOID LIEN OF NORTH
MBB-1 STAR CAPITAL
BETTINA VILLANUEVA/MV 8-20-13 [[41](#)]
BETTINA VILLANUEVA/Atty. for mv.

The motion will be denied without prejudice. No appearance is necessary. The moving papers were not served on the respondents who must be served pursuant to FRBP 7004. In addition, the moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c). The docket control number is the same number as calendar item number 2, above. The motion was not supported by admissible evidence, including a copy of the judicial lien to be avoided. Also, the body of the motion refers to the same lien as the motion above. Finally, the proof of service fails to comply with Local Rule 9014-1(e) (3).

4. [12-17425](#)-B-7 BETTINA VILLANUEVA
MBB-1
BETTINA VILLANUEVA/MV
BETTINA VILLANUEVA/Atty. for mv.

MOTION TO AVOID LIEN OF NORTH
STAR CAPITAL ACQUISITION
8-20-13 [[43](#)]

This motion will be dropped from calendar without a resolution. No appearance is necessary. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c). The motion used the same number for calendar item number 2, above.

This appears to be a duplicate filing of the motion filed as calendar item number 3, above.

5. [13-14225](#)-B-7 CHRIS HERNANDEZ

CHRIS HERNANDEZ/MV

CHRIS HERNANDEZ/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION FOR WAIVER OF
THE CHAPTER 7 FILING FEE OR
OTHER FEE
6-18-13 [[5](#)]

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

6. [13-12331](#)-B-7 LILIA GARCIA
TOG-1
LILIA GARCIA/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO CONVERT CASE FROM
CHAPTER 7 TO CHAPTER 13
8-16-13 [[31](#)]

7. [11-18532](#)-B-7 SALLY REYNOSO
JES-2
JAMES SALVEN/MV
M. ENMARK/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

MOTION TO SELL
8-9-13 [[105](#)]

This matter will be continued to September 25, 2013, at 10:00 a.m. The moving papers and notice of hearing should be served on Sue Reynoso, the purported holder of the life estate and person in possession of the subject property. Alternatively, the person(s) in possession of the property may file a written consent to the proposed sale and a waiver of the right to object and the right to offer a higher and better bid. The court will prepare a minute order. No appearance is necessary.

8. [12-60444](#)-B-7 CARLOS/MARIA GUTIERREZ
JES-2
JAMES SALVEN/MV
THOMAS GILLIS/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

MOTION TO SELL
8-7-13 [[31](#)]

9. [12-60444](#)-B-7 CARLOS/MARIA GUTIERREZ MOTION TO CONVERT CASE FROM
TOG-1 CHAPTER 7 TO CHAPTER 13
CARLOS GUTIERREZ/MV 8-2-13 [[24](#)]
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

Based on debtors' reply and request for a continuance, this matter will be continued to September 25, 2013, at 10:00 a.m. The court will prepare a minute order. No appearance is necessary.

10. [13-14557](#)-B-7 WILLIE/GLENDA COOK MOTION TO COMPEL ABANDONMENT
GGL-2 8-12-13 [[19](#)]
WILLIE COOK/MV
GEORGE LOGAN/Atty. for dbt.
NON-OPPOSITION

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

11. [12-18658](#)-B-7 FRANCISCO/ANA CEJA MOTION TO SELL
PFT-2 8-7-13 [[21](#)]
PETER FEAR/MV
ALLAN WILLIAMS/Atty. for dbt.
PETER FEAR/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

12. [11-61859](#)-B-7 FRED/WILLADENE DODD MOTION TO COMPEL
GH-1 7-26-13 [[18](#)]
FRED DODD/MV
GARY HUSS/Atty. for dbt.
RESPONSIVE PLEADING

This matter will be continued to September 25, 2013, at 10:00 a.m., to be heard with the trustee's motion to approve a compromise which may resolve the issue. The court will prepare a minute order. No appearance is necessary.

13. [12-18572](#)-B-7 DONALD ROBERTS
PLF-2
JAMES SALVEN/MV
RILEY WALTER/Atty. for dbt.
PETER FEAR/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR TURNOVER OF PROPERTY
8-13-13 [[32](#)]

14. [13-15708](#)-B-7 JAMES/BARBARA MYERS
DRJ-1
JAMES MYERS/MV
DAVID JENKINS/Atty. for dbt.
OST 8/30

MOTION TO COMPEL ABANDONMENT
8-30-13 [[12](#)]

10:30 A.M.

1. [13-15236](#)-B-7 CHERYL WHALEY
SW-1
WELLS FARGO BANK, N.A./MV
TORIANA HOLMES/Atty. for mv. MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-20-13 [[14](#)]
2. [13-14748](#)-B-7 GENE DAY
CJO-2
U.S. BANK NATIONAL
ASSOCIATION/MV
JAMES MILLER/Atty. for dbt. MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-27-13 [[22](#)]
CHRISTINA O/Atty. for mv.
3. [13-14748](#)-B-7 GENE DAY
CJO-3
U.S. BANK NATIONAL
ASSOCIATION/MV
JAMES MILLER/Atty. for dbt. MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-27-13 [[29](#)]
CHRISTINA O/Atty. for mv.
4. [13-14765](#)-B-7 MARIA GARCIA
SRH-1
BANNER INVESTMENTS, LLC./MV
STEVEN HRDLICKA/Atty. for mv. MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-27-13 [[17](#)]
5. [13-12471](#)-B-7 JOSE/LUCIA VAZ
DB-1
FARMERS AND MERCHANTS BANK OF
CENTRAL CALIFORNIA/MV
RILEY WALTER/Atty. for dbt. MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-27-13 [[21](#)]
R. GINTER/Atty. for mv.
DISCHARGED

This matter will be called in Department A at 10:30 a.m. together with the stay relief motion in the related case, In re Rocha. No appearance is necessary in Department B.

6. [13-12472](#)-B-7 JOAO/MARSHA VAZ
DB-1
FARMERS & MERCHANTS BANK OF
CENTRAL CALIFORNIA/MV
RILEY WALTER/Atty. for dbt. MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-27-13 [[18](#)]
R. GINTER/Atty. for mv.
DISCHARGED

This matter will be called in Department A at 10:30 a.m. together with the stay relief motion in the related case, In re Rocha. No appearance is necessary in Department B.